



# VREB *SPEAKING*

A Newsletter from the  
VIRGINIA REAL ESTATE BOARD

## Message From the Chair



R. Schaefer Oglesby

We have gotten a lot of favorable comments from our first edition of the "new and revised" newsletter. By popular demand we are returning to our old name, VREB Speaking, which we will be sending to you quarterly. We welcome your ideas for articles and content to make this a user friendly and informative newsletter.

The VREB and Staff completed a report for the General Assembly this year concerning Common Interest Ownership Properties. The report indicated that professional management firms were doing a good job. It also indicated that Real Estate Licensees could improve communication to purchasers of Common Interest Ownership Properties on the requirements, responsibilities, and fees associated with these properties. It is a good idea to check all documents for completeness

and clarity and clearly explain to the purchaser their responsibilities upon taking ownership of such properties.

The Board has been working on a revision of the Regulations. You can see the proposed Regulations on the VREB website at [www.dpor.virginia.gov](http://www.dpor.virginia.gov) by going to Regulatory Boards/Real Estate Board then to Pending Regulatory Action. Please note the proposed changes, particularly those concerning On-line Listing Disclosure, Broker Supervision, and License Display requirements. These are the most significant proposed changes.

Board members who have been participating in the Virginia Association of Realtors (VAR) mock Informal Fact Finding (IFF) conference report that the presentation is proving to be both popular and informative. The mock IFF format gives licensees a good idea of how the VREB conducts an IFF. The two seminars offered are Property Management and Residential Sales. These seminars are sponsored by VAR and approved for 2 hours of both continuing education and post license education credit. For more information on bringing this informative and fun seminar to your area, call Lili Paulk at VAR (804) 264-5033.

Until next time,  
Schaefer

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Timothy M. Kaine  
Governor

Patrick O. Gottschalk  
Secretary  
*Commerce & Trade*

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## 2006 Meeting Dates

All meetings are held on the 4<sup>th</sup> Floor of the Department of Professional and Occupational Regulation, at the address above.

February 2, 2006  
March 23, 2006  
May 11, 2006  
July 13, 2006  
September 14, 2006  
December 5, 2006

## **BOARD MEMBERS**

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Nick Christner, Deputy Dir.,  
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Fair Housing Office

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Education Administrator  
804/367-0022

Tom Perry  
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804/367-8510

Maryanne Woo  
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Ana Larrabaster  
Sara Daves  
Donnie Thompson

## **Complaints**

To file a complaint, call the Compliance & Investigation Division at 804/367-8504, TDD 804/367-9753. Complaint forms are also available online at <http://www.state.va.us/dpor/complaintform.pdf>. To file a fair housing complaint, call the Fair Housing Office at 804/367-8530 or 888/551-3247.

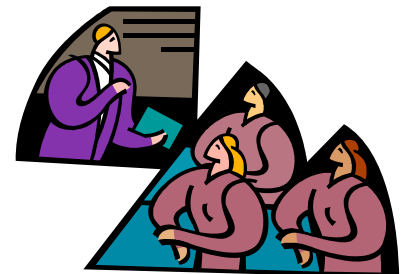
## **HOW TO:**

### ♦ **Check Your Education Credits**

To check education credits reported to the Board, log onto the website at [www.dpor.virginia.gov](http://www.dpor.virginia.gov). Click on License Lookup; enter your license number. When your license record appears, click on View Education Hours. If you have a salesperson license and you are in your first renewal cycle, you are required to complete post license education. To view actual post license education course titles that you have taken and have been reported to the Board, scroll to the end of the page and click on the last link below the number of hours reported.

### ♦ **Become a Proprietary School**

All courses and seminars taught for continuing education and/or post license education credit must be approved by the Board. In order to have the



course approved, the company or association must submit a Proprietary School Certification Application. The form is available on the website and must be submitted with payment of a \$190 fee, evidence of financial responsibility from an independent source, and a course catalog, if available. The evidence of financial responsibility should be a statement on letterhead, from an accounting firm, certified public accountant or bank, with which the applicant has a business relationship.

- ◆ [Check Your Post License Education Credits](#)

Upon completion of mandatory courses for the selected track, licensees can take additional mandatory courses from their selected track or from another track. Excess mandatory hours will be counted as electives.

As a reminder, if you place your license on inactive status during the first renewal cycle, you are still required to complete post license education in order to renew your license even if you are keeping your license on inactive status.

Licensees cannot receive credit for post license courses taken before their license was issued by the Board. Please keep this in mind when registering for classes after having passed the exam.

Only post license courses approved by the Virginia Board can be used to fulfill the post license requirements. A list of approved courses are available on the web.

## Friendly Reminders and Helpful Hints

### [How to Stay Out of Trouble and Keep Your License](#)

- ◆ Avoid dual agency whenever possible.
- ◆ Get agreements in writing.
- ◆ Give all deposits and money to broker within the proper timeframe.
- ◆ Don't advertise a seller's property without proper authorization.
- ◆ When listing or selling, make sure the seller has appropriate title to convey.
- ◆ A Virginia license is good to practice real estate only in Virginia.

## FAIR HOUSING

Pursuant to the Freedom of Information Act (FOIA) policy of the Department of Professional and Occupational Regulation, for Fair Housing case files, only complaint dismissals resulting from the Board's determination that **no reasonable cause exists** to believe that a discriminatory housing practice occurred, shall be disclosed to the public. Upon request and following completion of the Board's investigation, information derived from an investigation and any final investigative report may be made available to only the aggrieved person(s) and the respondent(s). Written conciliation agreements shall be made public **unless** the complainant and the respondent agree in writing that the agreement is to remain confidential and the Board determines that disclosure is not required to further the purposes of the Fair Housing Law. Case names can be obtained from the Board minutes located on the Townhall website.



Educational providers seeking fair housing cases to include as part of their course applications can log onto the following websites:

<http://www.usdoj.gov/crt/housing/caselist.htm>

<http://www.hud.gov>; click on Victims of Discrimination; then Enforcement Activity.

Providers can also subscribe to the National Fair Housing Advocate at

[www.fairhousing.com](http://www.fairhousing.com).

From January 2005 through March 2006, the Board made a finding of reasonable cause or approved conciliation agreements, for the following cases:

<u>Action</u>	<u>Case No.</u>	<u>Case Name</u>
Conciliation Agreement	2005-01802	Mickel R. Greene v. Anglin Realty, Monica Moore, Gibson-Vaughan, LLC
Failed to Make Reasonable Accommodation	2004-04963	Valerie Jackson v. Jackie Szpiech and JSB Realty Corporation t/a RE/MAX Allegiance
Conciliation Agreement	2005-02186	Eric and Peggy Overbey v. Drucker & Falk, LLC, Trenda Robertson, Jose Ortiz, Jane Adkins
Conciliation Agreement	2004-04963	Valerie Jackson v. Jackie Szpiech and JSB Realty Corporation t/a RE/MAX Allegiance
Sexual Harassment	2003-02670	Chrystal Walker and Sam Smith v. Barry Schmidt and Ray Caddell & Associates, Inc., t/a Century 21 Ray Caddell and Associates ( <b>Finding against Barry Schmidt only</b> )
Conciliation Agreement	2005-03845	Latarshia Parker v. Stephanie Dixon and Newport One Investment, LC
Conciliation Agreement	2005-03738	Catherine Kelley v. Nancy Hall
Conciliation Agreement	2005-04502	Lisa Ann Ritchie v. Denise I. Craft, Regional Mgr., T.M. Associates Management, Inc.
Conciliation Agreement	2005-04726	Linda Williams v. Michelle Gillenwater, Adventure Real Estate, Inc.
Conciliation Agreement	2006-01232	Ann Miles v. William Triplett
Conciliation Agreement	2006-01337	Yan Zhang and Ye Fu v. Dittmar Company, et.al.



## DISCIPLINARY ACTIONS

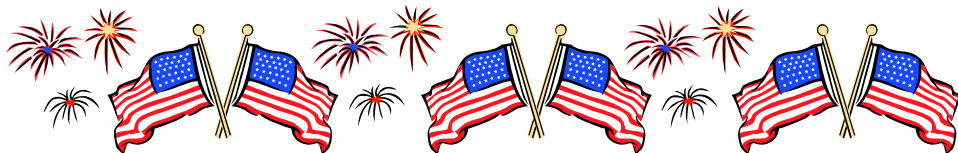
The Real Estate Board licenses and/or certifies real estate salespersons, brokers, firms, proprietary schools and prelicense instructors. If a complaint is filed against an individual or business that is subject to the laws and regulations of the Board, the complaint is reviewed to determine if a violation may have occurred and if so, an investigation is initiated. Subsequent to the investigation, the regulant is noticed to appear at an informal fact-finding conference approximately 30 days from the date of the notice; or he may be offered a prehearing consent order. A consent order is an agreement entered by the regulant and the Board, stipulating to violations of specific regulations and/or laws and a sanction. After the informal fact-finding conference is held, a recommendation will be submitted to the Board, for consideration at its next regularly scheduled meeting. Until a determination is made by the Board, the regulant can continue to practice. The Board can take the following actions: assess a monetary penalty; suspend or revoke a license; place an individual on probation; deny renewal; approve or deny a licensure application; or withdraw the approval of any school or instructor. All monetary penalties go to the State Literary Fund.

The public is now able to view copies of the Board's final orders and consent orders on its website [www.dpor.virginia.gov](http://www.dpor.virginia.gov). Click on License Lookup. A gray box will appear at the top of the screen with four links. Click on Search Disciplinary Actions Occurring since 4/1/2002. A search page will appear, with directions on how to search. By entering Real Estate Board in the search box, you will get a list of all cases currently in the database.

The following cases are disciplinary actions rendered by the Board in February and March 2006:

<u>Case No.</u>	<u>Licensee</u>	<u>Violation</u>
2006-00331	John M. Rice	18 VAC 135-20-220 Disclosure of Brokerage Relationships Fined \$250 plus \$150 investigation costs
2006-01632	Mimi C. Moody	18 VAC 135-20-300 Misrepresentation/Omission Fined \$250 plus \$150 investigation costs
2006-02244	Toni D. Minnis	18 VAC 135-20-300 Misrepresentation/Omission Fined \$250 plus \$150 investigation costs
2006-01464	Linda M. Subach	18 VAC 135-20-180 Maintenance and Management of Escrow Account Fined \$500 plus \$150 investigation costs
2006-01434	Willie J. Graham	18 VAC 135-20-310 Delivery of Instruments Fined \$300 plus \$150 investigation costs
2005-02228	Bobbie J. Starkey	18 VAC 135-20-210 Disclosure of Interest Fined \$200 plus \$150 investigation costs; take 4 additional hrs of ce
2006-01674	Thomas F. Faison	18 VAC 135-20-260 Unworthiness and Incompetence Fined \$500 plus \$150 investigation costs
2006-01672	Charles W. Bengel	18 VAC 135-20-260 Unworthiness and Incompetence Fined \$500 plus \$150 investigation costs

2005-03005	Michael J. Lyttle	18 VAC 135-20-300 Misrepresentation/Omissions Fined \$500 plus \$150 investigation costs; take 4 additional hrs of ce
2006-00698	Cheryl K. Shier	18 VAC 135-20-310 Delivery of Instruments Fined \$100 plus \$150 investigation costs
2005-02782	Malek Morsel Nasr	18 VAC 135-20-260 Unworthiness and Incompetence Fined \$250; license placed on probation until documentation of completion of 4 additional hrs of ce
2005-03660	John C. Cericola	18 VAC 135-20-310 Delivery of Instruments 18 VAC 135-20-220 Disclosure of Brokerage Relationships Fined \$2000 plus \$150 investigation costs; take 4 additional hrs of ce
2006-00852	Laura Anne Damico	18 VAC 135-20-260 Unworthiness and Incompetence Fined \$100 plus \$150 investigation costs
2005-02016	James Raymond Franklin	18 VAC 135-20-260 Unworthiness and Incompetence License Revoked
2005-02293	Mark C. Summers	18 VAC 135-20-260 Unworthiness and Incompetence No Penalty Imposed
2005-04909	Stephen Jobson-Oliver	18 VAC 135-20-260 Unworthiness and Incompetence Fined \$250
2005-01053	Leo (NMN) Wilson	18 VAC 135-20-185 Maintenance and Management of Financial Records 18 VAC 135-20-250 Response to Inquiry of the Board 18 VAC 135-20-260 Unworthiness and Incompetence Fined \$8500 License Revoked
2005-02001	Leo (NMN) Wilson	18 VAC 135-20-185 Maintenance and Management of Financial Records 18 VAC 135-20-250 Response to Inquiry of the Board Fined \$3500 License Revoked
2005-04218	Ronald W. Clark, Sr.	18 VAC 135-20-260 Unworthiness and Incompetence Fined \$1250; take 6 additional hrs of ce
2006-00835	Rima (NMN) Kumar	18 VAC 135-20-290 Improper Dealing Fined \$500 plus \$150 investigation costs
2006-02808	Cara L. Rathel	18 VAC 135-20-310 Delivery of Instruments Fined \$300 plus \$150 investigation costs







**COMMONWEALTH OF VIRGINIA**  
***Department of Professional and***  
***Occupational Regulation***  
***3600 West Broad Street***  
***Richmond, Virginia 23230-4917***

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